



LEGISLATIVE  
RESEARCH &  
GENERAL COUNSEL

# Sunset Review: Motor vehicle business regulation advisory board

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**41-3-106. Board -- Creation and composition -- Appointment, terms, compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties -- Officers' election and duties -- Voting.**

- (1) (a) There is created an advisory board of five members that shall assist and advise the administrator in the administration and enforcement of this chapter.
  - (b) The members shall be appointed by the governor from among the licensed motor vehicle manufacturers, distributors, factory branch and distributor branch representatives, dealers, dismantlers, transporters, remanufacturers, and body shops.
  - (c) (i) Except as required by Subsection (1)(c)(ii), each member shall be appointed for a term of four years or until his successor is appointed and qualified.
  - (ii) Notwithstanding the requirements of Subsection (1)(c)(i), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (d) Three members of the board shall be selected as follows:
    - (i) one from new motor vehicle dealers;
    - (ii) one from used motor vehicle dealers; and
    - (iii) one from manufacturers, transporters, dismantlers, crushers, remanufacturers, and body shops.
  - (e) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
  - (f) A majority of the members of the board constitutes a quorum and may act upon and resolve in the name of the board any matter, thing, or question referred to it by the administrator, or that the board has power to determine.
  - (g) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (2) (a) The board shall on the first day of each July, or as soon thereafter as practicable, elect a chair, vice chair, secretary, and assistant secretary from among its members, who shall each hold office until his successor is elected.
  - (b) As soon as the board elects its officers, the elected secretary shall certify the results of the election to the administrator.
  - (c) The chair shall preside at all meetings of the board and the secretary shall make a record of the proceedings, which shall be preserved in the office of the administrator.
  - (d) If the chair is absent from any meeting of the board, his duties shall be discharged by the vice chair, and if the secretary is absent, his duties shall be discharged by the assistant secretary.
  - (e) All members of the board may vote on any question, matter, or thing that properly comes before it.





# Motor vehicle business advisory board

- Created in 1949
- Housed in the Tax Commission's Motor Vehicle Enforcement Division (MVED)
- No regulatory or policy authority
- Channel for industry recommendations to the Tax Commission

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meetings of the Advisory Board shall by the Administrator be mailed to all members thereof at the last known address of each, not less than five days prior to the date on which such meetings shall be held.

#### Section 3. Advisory Board.

(B) 1. There is hereby created an Advisory Board, to consist of five members to be appointed from among the licensed dealers, which shall assist and advise with the Administrator in the administration and enforcement of this Act. The Governor shall appoint all members thereof. Of the members first appointed the term of one shall expire July 1, 1950, and the term of one shall expire July 1, 1951, and the term of one shall expire July 1, 1952, and the term of one shall expire July 1, 1953, and the term of one shall expire July 1, 1954. Their successors shall be appointed for a term of five years; each advisory board member shall hold office until his successor is appointed and qualified. Three members of the advisory counsel shall be selected from New Motor Vehicle Dealers and two from Used Motor Vehicle Dealers, as defined in this act. The members of the advisory board shall be entitled to be compensated at the rate of \$15.00 per day for the days actually attending meetings and carrying on official work of the advisory board, but in no event shall they be entitled to or receive more than twelve days pay in any one fiscal year. They shall also be entitled to their reasonable traveling expenses incurred in the performance of their duties, all of said payments shall be paid from the Motor Vehicle Administration fund herein created as a part of the expense of administering this Act. A majority of the members of the advisory board shall constitute a quorum, the presence of which at any meeting thereof duly called by the Administrator shall have full and complete power to act upon and resolve in the name of the Board any matter, thing or question referred to it by the Administrator, or which, by reason of any provision of this Act, it has power to determine.

2. The Advisory Board shall on the first day of each July, or as soon thereafter as is practicable, elect a Chairman, Vice Chairman, Secretary and Assistant Secretary from among its members, who shall hold office until their successors are elected. As soon as the Board shall elect its officers, as herein provided, the Secretary so elected shall certify the results of such election to the Administrator. The Chairman shall preside at all meetings of the Board and the Secretary shall make a record of the proceedings thereof which shall be preserved in the office of the Administrator. If the Chairman be absent from any meeting of the Advisory Board, his duties shall be discharged by the Vice-Chairman, and if the Secretary be absent therefrom, his duties shall be discharged by the Assistant Secretary. All members of the Advisory Board shall be entitled to vote on any question, matter, or thing which properly comes before it.



# Motor vehicle business advisory board

- Current membership:

Stephen Wade (*current chair*)

Kirk Schneider

Clint Martin

Chris Mantas

Jon Weese

| Meeting date     | Attendance           |
|------------------|----------------------|
| May 30, 2023     | 4 of 5 board members |
| October 24, 2022 | 4 of 5 board members |
| May 31, 2022     | 4 of 5 board members |
| Jan. 18, 2022    | 4 of 5 board members |
| Nov. 16, 2021    | 4 of 5 board members |
| Aug. 30, 2021    | 3 of 5 board members |
| May 17, 2021     | 4 of 5 board members |
| Oct. 19, 2020    | 4 of 5 board members |
| Aug. 17, 2020    | 3 of 5 board members |





# Presenters:

- Allan Shinney, MVED Director, Tax Commission
- Chris Mantas, current board member
- Craig Bickmore, Executive Director, New Car Dealers of Utah

